

## **APPENDIX K**

### **Declaration of David Hilbert**

I, David Hilbert, Ph.D., declare as follows:

1. I currently serve as an independent consultant for biotechnology companies. Prior to establishing my business as a consultant in 2005, I worked for about a year at Collective Therapeutics, Inc. as Vice President of Research.
2. Prior to joining Collective Research, I was employed at Human Genome Sciences, Inc. (HGS) from March of 1996 to October of 2004 in various capacities of increasing responsibility, culminating with the position of Vice President, Research. Although no longer employed by HGS, I retain a financial interest in the company due to my ownership of HGS stock resulting from my prior employment. I am also being reimbursed by HGS for the time required to prepare this declaration.
3. Prior to my employment with HGS, I earned my Ph.D. from the University of Pennsylvania School of Medicine, where my research focused on B-cell development and the nature of humoral immune responses. From 1987 to 1996, I was a post-doctoral fellow at the National Cancer Institute at the National Institutes of Health where I studied, in large part, the biology of B-cell tumors. A more complete description of my experience, education, and publications is included on my curriculum vitae, attached as Exhibit A.
4. During 1998, I served as Section Head, within the Department of Cell Biology at HGS. Among my responsibilities was the supervision of several Research Associates, including Ms. Amy Orr. This group was responsible for preparing various assays, including human B-cell proliferation assays. In connection with preparing this Declaration, I have reviewed the

declaration of Amy Orr that I understand will be submitted together with this Declaration. I have also reviewed the unredacted relevant pages of Ms. Orr's laboratory notebook #1155, redacted versions of which are attached as an exhibit to her Declaration.

5. Neutrokin-alpha (TL7) was initially identified and characterized at HGS by Reinhard Ebner, Guo-Liang Yu, and Jian Ni. As described in paragraph 5 of Ms. Orr's Declaration, our group received a number of anti-neutrokin-alpha (TL7) monoclonal antibodies and polyclonal antisera prior to August of 1998 for relevant testing. As Ms. Orr also states in her Declaration, our group examined the relative ability of these anti-neutrokin-alpha (TL7) antibodies to inhibit the proliferation of human B-cells induced by neutrokin-alpha (TL7).
6. Based on my review of the unredacted versions of Ms. Orr's relevant notebook entries, and my independent recollection based on that review, I can confirm that Ms. Orr completed the experiment described in paragraphs 5 to 10 of her Declaration prior to August of 1998 while working under my supervision. I also recall Ms. Orr informing me at the conclusion of the experiment that, while most of the antibodies subjected to the test did not inhibit neutrokin-alpha (TL7)-induced B-cell proliferation, one monoclonal antibody demonstrated at least some inhibition. It is also clear from my independent review of the entries in Ms. Orr's notebook that the controls worked as expected, and that the data reflects that neutrokin-alpha (TL7) induced B-cell proliferation in the assay as also noted in paragraph 10 of Ms. Orr's Declaration.
7. Throughout 1998, it was the Cell Biology Department's policy to formally review our group's laboratory notebooks at least every few weeks. I would conduct my own review of the experiments added to the notebooks since my last review and then sign the last completed page to indicate my review and comprehension of the data appearing in the intervening pages. After

I completed my own review, my manager, Dr. Gianni Garotta, also frequently conducted his own review and signed the notebook as well.

8. The notebook pages attached as Exhibit C to Ms. Orr's declaration are typical examples of mine and Dr. Garotta's signatures following such a review. Both Dr. Garotta and I reviewed Ms. Orr's notebook # 1155 about two weeks prior to the initiation of the experiment described on pages 106-114, as indicated by our signatures on page 85. Both Dr. Garotta and I then reviewed pages 86 to 123, encompassing the experiment discussed above, about two weeks after the experiment was completed, as indicated by our signatures on page 123, and based on my review of the unredacted versions of these notebook pages.
9. Based in part on the data described in Ms. Orr's Declaration and in paragraph 6 above, HGS continued its work in testing and developing anti-neutrokin- $\alpha$  (TL7) antibodies capable of inhibiting neutrokin- $\alpha$  (TL7)-induced B-cell proliferation. These experiments eventually resulted in HGS' LymphoStat-B™, a human monoclonal antibody to neutrokin- $\alpha$  that is currently in Phase 2 clinical development for the treatment of systemic lupus erythematosus and rheumatoid arthritis.
10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4 May 06  
Date

David Hilbert  
David Hilbert